

Application No.: 09/402,112
Amendment Dated March 4, 2004
Reply to Office Action dated: November 4, 2003

Attorney Docket No.: FUK-63

REMARKS

Claims 19-26 are pending in this application. Claims 19-21 are allowed; and Claims 22-26 are rejected in this application.

Claims 22 and 24 are amended hereby; and claims 27-29 are added hereby. Applicants submit that new matter is introduced by such changes.

5 The Examiner is thanked for the courtesies extended during various conversations with respect to the petition of Applicants to gain consideration of an English translation of the foreign priority document under 37 C.F.R. § 1.55 (4). Applicants are pleased to be informed that such petition has been granted.

10 Responsive to the rejection of Claims 22-26 under 35 U.S.C. § 102 (e) as being anticipated by or, in the alternative, under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent No. 5,600,483 (Fan et al.), Applicants have amended Claim 22 and submit that Claims 22-26 are now in condition for allowance.

 Claim 22, as amended, recites in part:

15 ... at least two said kinds of materials being in a form of layers, said structure including an x-y direction, at least one said layer being continuous relative to said x-y direction.

Applicant's submit that such an invention is neither taught, disclosed, nor suggested by Fan et al '483 or any of the other cited references, alone or in combination.

20 Fan et al. '483 discloses various embodiments (e.g., Figs. 1-5) for a periodic dielectric structure, each having a multi-layered structure. Fan et al. '483 does not disclose or suggest any of such layers to be continuous in both the x and y directions. The continuity of each such layer is interrupted by the presence of another material, whether it be another solid material or

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air. For example, in Fig. 1, neither layer 12 nor layer 14 is continuous. Thus, Fan et al. '483 fails to teach or suggest the present invention, as set forth in Claim 22, as amended.

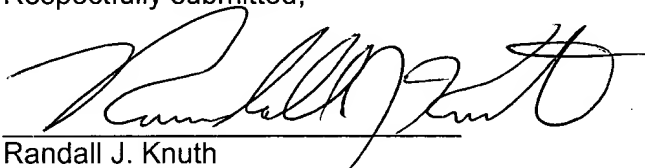
For all the foregoing reasons, Applicants submit that Claim 22, and Claims 23-26 depending therefrom, are now in condition for allowance and hereby respectfully request that the rejection thereof based upon Fan et al. '483 be withdrawn.

The Examiner has indicated that Claims 19-21 are allowed, for which courtesy the Examiner is thanked.

Claims 27-29 have been added to further protect the patentable subject matter of the present invention. Applicants submit that support in the present specification exists for each and every element set forth as a part of Claims 27-29 and that the subject matter of such claims is neither taught, disclosed, nor suggested by Fan et al. '483 or any of the other cited references, alone or in combination.

If the Examiner has any questions or comments that would speed prosecution of this case, the Examiner is invited to call the undersigned at 260/485-6001.

Respectfully submitted,


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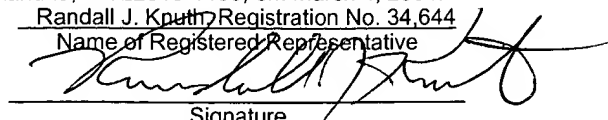
Encs: Amendments to the Claims
(2 Sheet; p. 4-5)
Explanatory Cover Sheet Page 1

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on: March 4, 2004.

Randall J. Knuth, Registration No. 34,644
Name of Registered Representative


Signature
March 4, 2004
Date